

# Independent Police Auditor

## Frequently Asked Questions

### **What is an Independent Police Auditor (IPA)?**

An Independent Police Auditor (IPA) is a highly skilled specialist with significant expertise in law enforcement best practices. As the name implies, the Auditor works independently of the Police Department chain of command to provide City policymakers and the public with an objective, third party analysis of internal affairs investigations to ensure investigations are conducted in a thorough, fair and unbiased manner. The Auditor may also serve as a resource for police officers and managers, providing consultation on policing issues, department procedures and concerns relating to actions by Officers.

Reviews (or audits) can be initiated by citizen request or at the request of the Chief of Police, a Division Commander, or an officer. In addition, the IPA will automatically review:

- “Use of force” cases (including police shootings);
- In custody deaths; and
- Complaints alleging racial, ethnic, or religious bias.

The IPA may also audit:

- Collisions during pursuits;
- Claims of retaliation for filing complaints against officers; and
- Any other complaints.

The results of IPA reviews will be reported to the City Manager who is accountable to the Mayor of Fresno. Under the City Charter, the City Manager has full supervisory authority over the Chief of Police, including the ability to hire and fire. This reporting structure will ensure the independence of the Independent Police Auditor by insulating the position from political influence.

In addition, the IPA will publish an Annual Report to the Community, summarizing results and findings during the previous year. The Annual Report will also include a yearly survey of public attitudes toward the Fresno Police Department and perceptions of the effectiveness of its strategies.

### **Why would an Independent Police Auditor be beneficial for Fresno?**

To be fully effective, police agencies require the highest level of public confidence and officer credibility throughout the community they serve. An Independent Police Auditor will provide ongoing, independent feedback to the Chief of Police, Mayor, other city leaders, and the community to help address issues which may impact public support and cooperation.

**Why would an Independent Police Auditor be beneficial for Fresno? (Continued)**

The Fresno Police Department is a highly professional and nationally-accredited police agency with 849 sworn officer positions. Department personnel make over 600,000 citizen contacts each year. These range from responses to 911 calls and arrests of criminal suspects to traffic stops and special event patrols. Citizen inquiries or complaints arising from contacts with police are handled by the department's own Internal Affairs Division.

An Independent Police Auditor provides for an impartial review of Internal Affairs investigations by a neutral third party. This will provide city leaders and citizens with an objective view of police policies, procedures, methods and strategies to enhance the credibility of the Police Department and its officers in the community. In doing so, an Independent Police Auditor can help improve officer safety through increased public cooperation. In addition, the establishment of an IPA is likely to reduce liability resulting from legal claims and judgments in the long run as potential problems are identified and corrected early on.

**Does this IPA proposal reflect a lack of trust in the Fresno Police Department or Fresno Police Officers?**

Not in the least. The Fresno Police Department is widely viewed as a model police agency. It is a nationally accredited department, led by one of the most highly respected law enforcement officials in the country – Chief Jerry Dyer. Since 2001, Chief Dyer has strongly supported the establishment of an Independent Police Auditor in Fresno as an essential tool for enhancing his department and helping to ensure trust and cooperation between his officers and the community.

Fresno Mayor Ashley Swearengin, like Chief Dyer, also supports an Independent Police Auditor. An IPA will provide greater government transparency - one of Mayor Swearengin's core values – while ensuring the highest level of public safety for Fresno citizens and protection for our officers. Just as other public agencies utilize outside experts to help improve their methods and procedures, an Independent Police Auditor will provide continuous, professional feedback to the Fresno Police Department. Currently, over 55% of the city's general fund budget is allocated to the Police Department – a total of nearly \$139 million annually. It is also the city's largest department and delivers the single most essential service to Fresno residents: protection of life and property. The establishment of an Independent Police Auditor provides a reasonable and appropriate system of public accountability, given the size and scope of the department's responsibilities.

**What is the role of an IPA?**

The primary role of an Independent Police Auditor is to review complaints filed by citizens with the Police Department Internal Affairs Division to ensure they have been investigated thoroughly and conducted fairly. The IPA may examine the records of investigations and talk with investigating officers. The IPA can not conduct a separate

investigation and will not have subpoena authority. The findings of the IPA will be reported to the City Manager, who has supervisory authority over the Chief of Police.

The IPA will also monitor reporting trends to examine whether police policies are being fairly administered. In addition, the Office of the IPA will conduct public outreach, including an annual survey to determine public perceptions about the Police Department and its effectiveness. A report to the community will be published each year detailing the work of the IPA and other relevant data.

**What authority will an IPA have over the Police Department?**

The Independent Police Auditor will serve in a review capacity and will not direct policy within the Police Department. The findings and recommendations of the Independent Police Auditor will be reported to the City Manager. Under the City's Charter, the City Manager has direct authority over the Chief of Police and is ultimately responsible for ensuring the effectiveness and professionalism of the Police Department.

**Will Police Officer confidentiality be observed?**

Yes, the Independent Police Auditor will be bound by confidentiality statutes and the Peace Officer Bill of Rights.

**Do other cities have Independent Police Auditors?**

With passage of this proposal, Fresno will join the ranks of cities in California with some form of independent review, including: Los Angeles, San Diego, Sacramento, Long Beach, Berkeley, Claremont, Davis, National City, Novato, Oakland, Richmond, Riverside, San Francisco, San Jose, Santa Cruz and Sausalito. Nationally, we will join the ranks of such cities as: Tucson, Denver, New Haven, Miami, Orlando, Honolulu, Boise, Chicago, Indianapolis, Iowa City, Baltimore, Detroit, Minneapolis, Kansas City, Omaha, Las Vegas, Albuquerque, New York, Syracuse, Cincinnati, Eugene, Portland, Philadelphia, Pittsburgh, Knoxville, Memphis, Austin, Houston, Salt Lake City, Seattle, Washington D.C., and many others.

**Who will select the Independent Police Auditor?**

The Independent Police Auditor will be hired by the City Manager, based on direct input from the Mayor, Chief of Police, representatives from the City Council and Fresno Police Officers Association (FPOA) and two members of the community.

**Is a change in the City Charter required to establish an IPA?**

No. An Independent Police Auditor, which reports to the City Manager may be established without a modification to the City Charter. Other approaches, including the IPA reporting to the Mayor or to the City Council, would require a lengthy and cumbersome process to amend the City Charter. However, even if a charter revision process was undertaken to enable the IPA to report directly to the City Council, the IPA could not legally disclose certain findings to the City Council without violating personnel and confidentiality statutes. Therefore, the City Manager approach is the only workable reporting structure for the IPA.

**What will an Independent Police Auditor cost?**

A budget of \$360,000 per year will be required to establish an Independent Police Auditor position. This budget includes salary and benefits for three full time personnel (Independent Auditor, Community Outreach Specialist and Administrative Assistant) plus operational expenses. No staffing expansion will be permitted for 5 years without City Council authorization.

**Where will the money for the IPA come from?**

The establishment of an Independent Police Auditor will be cost-neutral, meaning that dollar-for-dollar reductions will be made in other budgeted areas within the City to fund IPA operations. In the 2009-2010 budget year, the following reductions will be made:

• Elimination of "City Stewards" program	\$100,000
• Elimination of City Publicist	\$120,000
• Elimination of Grant Writing program	\$100,000
• Reduction in Customer Survey expenditures	<u>\$ 40,000</u>
<b>TOTAL</b>	<b>\$360,000</b>

**Wouldn't it cost less to hire an outside auditor on a case-by-case basis?**

Hiring an outside auditor only "when needed" would cost more, not less. Each separate, independent investigation costs \$30,000 - \$50,000 on average and would be subject to inconsistencies in personnel, methodology and reporting. Other significant drawbacks to this approach include the complete elimination of community outreach and an inability to measure results from policy and procedure changes.

**How will we know if the IPA is a success or failure?**

The success or failure of the IPA will be measured in a number of ways including: results from public surveys on attitudes toward the Police Department, reductions in the number of complaints filed against the department, effectiveness of working relationship between the IPA and Police Department personnel, and reduction in costs for legal services, judgments, and settlements. The IPA position is subject to review and/or elimination by the Fresno City Council after 5 years.

**Who Supports an Independent Police Auditor?**

Fresno Mayor Ashley Swearengin  
Former Mayor Alan Autry  
Fresno Police Chief Jerry Dyer  
Fresno County Grand Jury  
League of Women Voters  
The Fresno Bee  
Building Industry Association of the San Joaquin Valley

**Who Opposes an Independent Police Auditor?**

Fresno Police Officers Association